

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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YURMAN STUDIO, INC. and YURMAN  
DESIGN, INC.,

Plaintiffs/Counter-Defendants,

- against -

ELENA CASTANEDA and EJEWELER LLC  
d/b/a OVERSTOCKJEWELER.COM,

Defendants/Counter-Plaintiffs.  
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Civil Action No. 07-1241 (SAS)(HP)  
(Action No. 1)

CARTIER, a division of RICHEMONT NORTH  
AMERICA, INC., CARTIER INTERNATIONAL,  
N.V., CARTIER CREATION STUDIO, S.A., VAN  
CLEEF & ARPELS S.A., VAN CLEEF &  
ARPELS, INC., VAN CLEEF & ARPELS  
DISTRIBUTION, INC., GUCCI AMERICA, INC.,  
and BULGARI S.p.A.,

Plaintiffs,

- against -

ELENA CASTANEDA and EJEWELER LLC  
d/b/a OVERSTOCKJEWELER.COM,

Defendants.  
----- X

Civil Action No. 07-7862 (SAS)(HP)  
(Action No. 2)

**DECLARATION OF LOUIS S. EDERER, ESQ. IN OPPOSITION TO  
DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

**EXHIBIT C**

HIRO DASANI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

-----x  
YURMAN STUDIO, INC.,

Plaintiff/Counter-Defendant,

Case No.

07-1241

- against -

(SAS/HP)

ELENA CASTANEDA and EJEWELER LLC d/b/a  
OVERSTOCKJEWELER.COM,

Defendants/Counter-Plaintiffs,

- against -

YURMAN DESIGN, INC.,

Third-Party Defendant.  
-----x

April 30, 2008

2:05 p.m.

399 Park Avenue

New York, New York

DEPOSITION of HIRO DASANI

COURT REPORTER: Angela Moody

RAYVID REPORTING SERVICE (212) 267-3877

HIRO DASANI

1 A No.

2 Q Have you seen the transcripts  
3 from Ms. Castaneda' deposition or  
4 Ms. Limantara's deposition?

5 A No.

6 Q Mr. Dasani, what's your  
7 educational background?

8 A I have one year of college. I  
9 have studied overseas in India.

10 Q Did those studies include  
11 jewelry design or the history of jewelry or  
12 anything of that respect?

13 A No.

14 Q Mr. Dasani, you're currently the  
15 President of P & K Jewelry, is that correct?

16 A No, I'm the manager.

17 Q You're the manager?

18 A Yes.

19 Q Is there a President of P & K  
20 Jewelry?

21 A Yes.

22 Q And what is his name?

23 A Kishin Dasani.

24 Q Is that your brother?

25 A That's my son.

HIRO DASANI

1 provide its wholesale customers with a list  
2 price, or a suggested retail price?

3 A No, this is our pricing.

4 Q Understood, I'm stepping away  
5 from that document.

6 MR. MONACHINO: Reflect for the  
7 record he's holding Plaintiff's 164  
8 when he says these are our prices.

9 A These are our prices and the  
10 only prices that our staff is familiar with.  
11 Prices that are marked on the item, it was a  
12 list price, this is a promotion. If it's a net  
13 price, that's the promotion.

14 Q To completely close the circle,  
15 would you agree with me that it's not P & K  
16 Jewelry's practice to provide one of its  
17 wholesale customers with a list price or a  
18 suggested retail price of any of the items that  
19 it sells, is that correct?

20 A That's correct. We believe, you  
21 know -- these are suggested -- the list price  
22 that we have is our price. What the customer  
23 sells, that is their choice.

24 Q Mr. Dasani, is P & K in the  
25 business of selling overstock jewelry and watch

HIRO DASANI

1 items?

2 A We are wholesalers basically.

3 Q Do you understand the term  
4 "overstock" as I'm using it? Do you have any  
5 understanding of that?

6 A Discontinued items we may have  
7 sometimes, you know, but it's not our practice,  
8 you know, like we may have items that we are  
9 discontinuing that are offered at a lower  
10 price, but that is not our main business.

11 Q That's a rare occurrence when  
12 you're actually selling overstock?

13 A It's a rare occurrence.

14 MR. MONACHINO: Just for the  
15 record, you used the word "Overstock"  
16 before. It's Overstock Jeweler and now  
17 you're using the term overstock for  
18 these last two questions or so.

19 MR. SALZMANN: Thank you.

20 Q To your knowledge, has anyone  
21 from P & K ever told Elena Castaneda or Alice  
22 Limantara or anyone else from Overstock Jeweler  
23 that the product that it's buying from P & K is  
24 P & K's Overstock?

25 A No, we are selling from lists,

HIRO DASANI

1 you know.

2 MR. SALZMANN: If you can give  
3 me thirty seconds, we can probably call  
4 it.

5 (At this point in the proceedings  
6 there was a recess, after which the  
7 deposition continued as follows:)

8 Q Mr. Dasani, with respect to the  
9 products that P & K does sell to Overstock  
10 Jeweler, has there ever been an instance where  
11 your supplier of those products has ever told  
12 you or anyone else from P & K that any of those  
13 products were inspired by any of the Plaintiffs  
14 in this action?

15 A Were inspired by? I didn't  
16 understand the question.

17 Q Fair enough, it was a confusing  
18 question.

19 With respect to the products  
20 that you, P & K, sell to Overstock Jeweler,  
21 when you purchase that product or those  
22 products from one of your suppliers, has it  
23 ever been the case that that supplier has said  
24 to P & K, that this particular item is inspired  
25 by or a replica of or a reproduction of any

HIRO DASANI

1 specific well-known jewelry designer?

2 A Not to my knowledge, not to my  
3 knowledge. I don't do the buying, but I don't  
4 think that's the practice.

5 Q Who does the buying for P & K?

6 A Well, I'm there sometimes, but  
7 Kishin mostly, my son.

8 Q Does P & K maintain any  
9 materials, say catalogs, newspaper clippings,  
10 magazine clippings that depict authentic  
11 jewelry or watch items, designed by any of the  
12 Plaintiffs in this action?

13 A No.

14 Q Is it the practice of P & K  
15 employees to visit the websites of any of the  
16 Plaintiffs in this action?

17 A Not to my knowledge.

18 Q Before we were talking about  
19 when Overstock Jeweler wants to purchase some  
20 product, they either walk into P & K's store  
21 and say hey, we need X, Y, Z or they  
22 occasionally e-mail or fax you an order, and if  
23 that's the case, they would fax photos, is that  
24 correct?

25 A That's correct.

HIRO DASANI

1 Overseas we will send an order, but if it's  
2 locally, we will just, you know, call them up,  
3 or they will walk in.

4 Q None of those suppliers ever  
5 refer to the Plaintiffs in this action as being  
6 the inspiration behind any of the designs they  
7 sell to you?

8 A Not that I am aware of.

9 MR. SALZMANN: I think I'm all  
10 set.

11 MR. ZARIN: I have a few  
12 questions.

13

14 EXAMINATION BY MR. ZARIN:

15 Q If you can turn to the third  
16 page of that exhibit, the top it says  
17 "pricing", list is price sixty-five percent  
18 off?

19 A Yes.

20 Q What is your understanding of a  
21 list price?

22 A See, we have product that is  
23 marked by prices, so, some product is marked as  
24 a list price and some product is listed as net  
25 price. See, the other page says "net price".



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SOUTHERN DISTRICT OF NEW YORK

COPY

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ELENA CASTANEDA and EJEWELER LLC d/b/a  
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YURMAN DESIGN, INC.,

Third-Party Defendant.  
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March 24, 2008

9:50 a.m.

399 Park Avenue

New York, New York

(CONTAINS CONFIDENTIAL PORTION)

DEPOSITION of CATHERINE LaCAZE

COURT REPORTER: Angela Moody

RAYVID REPORTING SERVICE, INC. (212) 599-3642

Rayvid Reporting Service  
(212) 267-3877

1 CATHERINE LaCAZE

2 Q Do you have any educational training  
3 in art?

4 A No.

5 Q Do you have any experience as an  
6 artist?

7 A No.

8 Q Have you ever designed jewelry?

9 A No.

10 Q Have you ever studied the history of  
11 jewelry?

12 A No.

13 Q You mentioned before that you had a  
14 working knowledge of jewelry designed at Cartier;  
15 is that correct?

16 MR. EDERER: Objection. That's not  
17 what she said. She said she worked with  
18 designers at DeBeers.

19 A That's correct.

20 Q When you worked with designers at  
21 DeBeers, in what capacity did you work with them?

22 A In marketing -- in product  
23 development, the process is that you give to the  
24 designer a brief for the products that you need to  
25 be developed, so that was the work that I used to

1 CATHERINE LaCAZE

2 do with the designers, work on the brief, present  
3 them the brief and then let them do the creative  
4 part.

5 Q What do you mean by a "brief"?

6 A A brief is a list of requirements  
7 that you need for the line of products to be  
8 developed; for example, what kind of categories of  
9 products, what price range, what color of metal  
10 and what kind of stones.

11 Q Are you saying that at DeBeers, the  
12 jewelry designs were market driven?

13 MR. EDERER: Objection to form.

14 A Can you rephrase that question,  
15 please?

16 Q Sure.

17 What were the criteria that you used  
18 to come up with the briefs?

19 MR. EDERER: Objection to form.

20 A I would look at the range of  
21 products that DeBeers was carrying at the time and  
22 identify the gaps or the missing products in our  
23 range, in order to have a nice and comprehensive  
24 offer for a customer, and that's where we started.

25 Q So, did you do any consumer surveys

1 CATHERINE LaCAZE

2 to make those determinations?

3 A No.

4 Q So, what was the basis of that  
5 determination?

6 MR. EDERER: Objection. She just  
7 answered it.

8 MR. ZARIN: I asked what the basis  
9 of her decision as to what goes into the  
10 brief.

11 Q How did you decide that there were  
12 gaps in the product line?

13 A I would look at my range of products  
14 as existing at DeBeers and say in this price  
15 point, and this specific product line we do not  
16 have anything to offer to our customer; so, I  
17 think we need to develop a line of product that  
18 would fit in that price bracket.

19 Q Now, moving to Cartier, did you do  
20 the same thing at Cartier?

21 A No.

22 Q How does Cartier go about deciding  
23 what new products to develop?

24 A I would think they do the same, but  
25 that's a function that is done by the

1 CATHERINE LaCAZE

2 international headquarters back in Paris.

3 Q When the international headquarters  
4 in Paris creates a new design for a product, do  
5 they solicit any feedback from you regarding the  
6 product?

7 MR. EDERER: Objection to form.

8 A Can you rephrase?

9 Q Yes.

10 When the designers at the  
11 headquarters of Cartier create a new design, for  
12 example, a new ring, at some point during that  
13 creation process, do they request feedback from  
14 you?

15 A No.

16 Q Do they request feedback from  
17 anybody in your office?

18 A No.

19 Q When they create that new product,  
20 how do they first present it to you?

21 A The designer doesn't present the  
22 product to us.

23 Q Does the headquarters present it to  
24 you?

25 A Yes.